

**Special Courts Committee  
Judicial Conference of Indiana**

November 4, 2005

Minutes

1. Members present. The following members of the committee were present Kenneth Abbott, Matthew R. Cox, Russell J. Sanders, Richard L. Tandy, and Patrick B. Blankenship, Acting Chair.
2. Staff present. Michelle C. Goodman provided the committee with staff assistance.
3. Approval of Minutes. Michelle reported that the notes from the last meeting on Form F-9 were not clear. The Committee decided to review the form at this meeting and moved to remove that reference from the August minutes. The Committee approved the minutes as amended from the August 5, 2005 meeting.
4. Traffic, Misdemeanor, Small Claims Benchbook. The Committee continued its review of Section 1.00. The following changes were made:
  - Page 1 – current cost fee is \$106.50.
  - Page 2 – Michelle was asked to check item number 14 to see if this publication still exists and if not, the reference should be deleted.
  - Page 2 – Michelle was asked to check the amount of the deferral in item 17.
  - Page 2.3-2.4 – Michelle indicated that these pages would be updated with the charts distributed at the September conference.
  - Page 3 – References county courts. The Committee asked whether there are similar references to other courts. Michelle will research this.
  - Page 35 – Michelle was asked to edit the caveat for accuracy of information.
  - Page 43 – Michelle was asked to redraft A to reference Cunningham v. State (Oct. 2005).

The Committee then reviewed Small Claims form F-9 and approved the form without revision.

The Committee plans to finish reviewing the remaining sections for revisions at the next meeting:

- Section 4.05 Collection of Judgment
5. Other business. The Committee discussed I.C. 9-30-3-16, which states that a person found to have committed a traffic offense may be placed on probation for up to one year. None of the Committee members used this provision. The Committee agreed that this section was ripe for abuse and should be clarified to state that this section does not apply to traffic infractions.

The Committee then discussed Small Claims Rule 8(C) regarding the amount when corporations need to have an attorney and the application of the rule to other business entities (i.e. S corp, LLC, etc.). Michelle provided the Committee with some history on the last revisions to this rule and that this Committee had surveyed the judiciary to determine whether to change the amount when corporations needed an

attorney and to extend the corporation provisions to sole proprietors and partnerships. The Committee discussed the types of claims that will be seen in court now that the jurisdiction level is \$6,000 for small claims. The Committee decided that it wanted to poll the remaining Committee members on these issues and discuss them at the next meeting.

The Committee also discussed the Small Claims Notice in light of Penrod v. The Car Company (Aug. 2005). The Committee discussed their procedures for these cases and many of the members indicated that they permit the parties to meet prior to the trial to determine if settlement is possible and if not, then the trial is held. One member also said that if there is a reason that the trial can't be held on the original date then it is reset to another date. The Committee discussed language regarding the notice and several members indicated that their notice say trial date. One member has revised the notice to provide for a choice between a contested and non-contested trial date, which permits the scheduling of the contested matters on a different day to accommodate the time for trials. Another suggestion was reviewed by the Committee, which stated, in part, that if the court could not hear evidence on the date set, then another date would be scheduled. After discussing this suggestion, the Committee thought that this statement did not need to be placed in the notice to comply with Penrod.

6. 2006 meeting schedule. The following are the meetings for 2006:

Friday, Feb. 24, 2006  
Friday, May 12, 2006  
Friday, Aug. 11, 2006  
Friday, Nov. 3, 2006

All meetings will begin at 11 a.m. (Indianapolis time) at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman